

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**BERNADINE T. GRIFFITH,**

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**Plaintiff,**

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**v.**

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**Civil Action No. 03-12573-EFH**

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**ONEBEACON INSURANCE COMPANY,  
ONEBEACON AMERICA INSURANCE  
COMPANY, MICHAEL A. SISTO, and  
KAREN ALLEN HOLMES,**

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**Defendants.**

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**DEFENDANTS' MOTION TO CHANGE TRIAL DATE**

The Defendants OneBeacon Insurance Company and OneBeacon America Insurance Company (together, "OneBeacon") respectfully request this Court adjust the date of trial in this matter. Trial was recently set by the Court for April 23, 2007. The undersigned Counsel for Defendants makes this request for a personal reason.

As grounds for their motion, the Defendants state as follows:

1. Lead counsel for Defendants has a child who is studying in Ireland for the current school year, and a spouse who is a public school teacher. The one time during this 2006-2007 school year when the family could be together in Ireland is during school vacation week in April 2007. Counsel would leave for Ireland on or about April 15 and return to the U.S. on or about April 22, and would dearly love to do so.
2. Accordingly, Defendants request the Court to set trial either before or after, but not during, the month of April 2007.

3. Defendants wrote to Bernadine T. Griffith, the Plaintiff *pro se*, on November 29, 2006, to advise her that this motion was going to be filed and to ask for her position with respect to it. To date, Defendants have not received a response to their letter.
4. In the interim, the Defendants have been notified by the Court of the possibility that the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, may be appointed to represent the plaintiff. To date, Finnegan, Henderson has not entered an appearance. The undersigned Counsel for Defendants has spoken with the designated representative of Finnegan, Henderson (Thomas Banks, Esq.) and advised him as a courtesy that the instant motion was going to be filed. Attorney Banks confirmed that as yet, his firm does not represent Ms. Griffith, but stated that in the event it does so it would not object to the trial being moved to a date later than April, 2007, but would prefer not to have the trial occur prior to April 2007 in light of the need to become familiar with the entire record in the case and prepare for trial starting from scratch.

WHEREFORE, the Defendants respectfully request that trial herein not be held during the month of April 2007.

Respectfully submitted,

ONEBEACON INSURANCE CO.,  
ONEBEACON AMERICA INSURANCE CO.,  
MICHAEL A. SISTO, and  
KAREN ALLEN HOLMES

By their attorneys

/s/ Keith B. Muntyan  
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617-523-6666 (phone)  
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Dated: December 11, 2006

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I hereby certify that I attempted to confer with the Plaintiff *pro se*, Bernadine T. Griffith, regarding the filing of this motion in compliance with Local Rule 7.1 of the Federal Rules of Civil Procedure.

/s/ Keith B. Muntyan  
Keith B. Muntyan

**CERTIFICATE OF SERVICE**

I, Keith B. Muntyan, hereby certify that on this 11<sup>h</sup> day of December, 2006, I caused a true and correct copy of the foregoing to be served via first class mail upon Bernadine T. Griffith, Plaintiff *pro se*, P.O. Box 110, Topsfield, MA 01983, being the address given by her for the receipt of U.S. mail.

/s/ Keith B. Muntyan  
Keith B. Muntyan